

PATENT APPLICATION

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re application of

Docket No: Q61668

Takeshi KATAYAMA, et al.

Appln. No.: 09/775,626

Group Art Unit: 2176

Confirmation No.: 8346

Examiner: Gautam SAIN

Filed: February 5, 2001

For: METHOD OF CREATING DATA FOR PRINTING AND SYSTEM TO CREATING
DATA FOR PRINTING

SUBMISSION OF APPEAL BRIEF

MAIL STOP APPEAL BRIEF - PATENTS


Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Submitted herewith please find an Appeal Brief. The statutory fee of \$500.00 is being charged to Deposit Account No. 19-4880 via EFS Payment Screen. The USPTO is also directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

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PATENT APPLICATION

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APPEAL BRIEF UNDER 37 C.F.R. § 41.37

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Sir:

In accordance with the provisions of 37 C.F.R. § 41.37, Appellant submits the following:

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I. REAL PARTY IN INTEREST

The real party in interest in this appeal is FUJI PHOTO FILM CO., LTD. of Japan. The assignment was previously submitted and was recorded on February 5, 2001 at Reel 011524, Frame 0928. It is noted that the above-named assignee recorded a name and assignment change on February 15, 2007. The name of the assignee is now FUJIFILM CORPORATION, as recorded at Reel 018904, Frame 0001.

II. RELATED APPEALS AND INTERFERENCES

To the knowledge and belief of Appellant, the Assignee, and the Appellant's legal representative, there are no other appeals or interferences before the Board of Appeals and Interferences that will directly affect or be affected by the Board's decision in the instant Appeal.

III. STATUS OF CLAIMS

Claims 1-53 are pending in the present application and stand finally rejected.

The rejections of claims 1-53 are being appealed.

Claims 1-28, 30, 32, 34 and 36-53 stand rejected under 35 U.S.C. § 103 as being unpatentable over Palmer (USP 6,078,403) in view of Lavery (USP 6,429,947).

Claims 29, 31, 33 and 35 have been rejected under 35 U.S.C. § 103 as being unpatentable over Palmer in view of Lavery and further in view of Warmus (USP 6,332,149).

A copy of the claims on appeal is set forth in an attached Appendix.

IV. STATUS OF AMENDMENTS

The Response filed on October 23, 2006 and the Supplemental Response filed on December 21, 2006 did not include any claim modifications. The arguments for patentability are believed to have been entered and made of record.

V. SUMMARY OF THE CLAIMED SUBJECT MATTER

The summary of the invention in connection with claims 1, 11 and 21-22 in relation to exemplary embodiments are set forth below.

1. A method of creating data for printing when performing page editing operation on a computer, the method comprising the steps of: (Figs. 23A-B and Fig. 24)

(a) determining if there is any part of the page, for which corresponding parts data has not been received by the time of the page editing operation, and if so, automatically creating dummy parts data for the unreceived parts data; (page 54, lines 5-13)

(b) creating dummy page data by inserting the dummy parts data for the unreceived parts data in a position on the page allocated for the unreceived parts data; and (page 54, line 14 to page 55, line 11; page 55, line 24 to page 57 line 12)

(c) replacing the dummy parts data when the unreceived parts data is received, with the received parts data, for creating page data for printing, (page 59, line 20 to page 60, line 10)

wherein the dummy parts data comprises an embedded image for editing which is of a same image size as a corresponding unreceived part. (paragraph bridging pages 58-59)

11. A system (Figs. 2A-B) for creating printing data during page editing and layout, the system comprising a data processing arrangement having program logic, the program logic including:

(a) a first logic portion, which, upon a determination that corresponding parts data has not been received by the time of the page editing and layout for any part of the page, automatically creates dummy parts data for unreceived parts data of a page; (page 17, lines 7-11; OPI 42)

(b) a second logic portion, which creates dummy page data by inserting the dummy parts data for the unreceived parts data in a position on the page allocated for the unreceived parts data; and (page 17, lines 12 - to page 18, line 4; scanner 14 (Fig. 2A))

(c) a third logic portion, which replaces the dummy parts data when the unreceived parts data is received, with the received parts data, for creating page data for printing, (page 20, first full paragraph)

wherein the dummy parts data comprises an embedded image for editing which is of a same image size as a corresponding unreceived part. (paragraph bridging pages 58-59)

21. A system (Fig. 2A-2B) for creating printing data during page editing and layout, the system comprising a data processing arrangement having program logic, the program logic including:

(a) a logic portion, which creates dummy parts data having link information for unreceived parts data, with the link information linking the dummy parts data with a storage location in the data processing arrangement, and inserts the dummy parts data in a position on the page allocated for the unreceived parts data; and (page 17, line 12 to page 18, last line; scanner 14, Fig. 2A)

(b) another logic portion, which operates in background monitoring the storage location in the data processing arrangement, and when parts data is stored at the storage location, said another logic portion replaces the dummy parts data with the parts data in accordance with the link information, (page 20, first full paragraph)

wherein the dummy parts data is automatically created by said logic portion when the parts data is determined not to be stored at the storage location, and (page 18, lines 16-21)

wherein the dummy parts data comprises an embedded image for editing which is of a same image size as a corresponding unreceived part. (paragraph bridging pages 58-59)

22. A method of editing data, comprising:

creating application data with defined page layout and file link information; (paragraph bridging pages 13-14; page 15, lines 16-21)

storing received data; (page 15, lines 16-21)

creating dummy page data for data not yet received; (page 17, line 12 to page 18, last line)

replacing said dummy page data with expected data, (page 20, first full paragraph)

wherein said dummy page data is automatically created upon a determination that data has not been received by the time said application data is created, and (page 18, line 16-21)

wherein said dummy page data comprises an embedded image for editing which is of a same image size as a corresponding image of said expected data. (paragraph bridging pages 58-59)

For the dependent claims 36-39, these claims are separately patentable for the reasons set forth in the Arguments section of this Appeal Brief. The claims are summarized below in reference to exemplary embodiments.

36. The method of claim 1, wherein said unreceived parts data comprises data parts not yet provided to the computer. (page 15, lines 6-16)

37. The system of claim 11, wherein said unreceived parts data comprises data parts not yet provided to the system. (page 15, lines 6-16)

38. The system of claim 21, wherein said unreceived parts data comprises data parts not yet provided to the system. (page 15, lines 6-16)

39. The method of claim 22, wherein said data not yet received comprises data parts not yet provided to a user. (page 15, lines 6-16)

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Claims 1-53 are pending in the present application and stand finally rejected.

The rejections of claims 1-53 are being appealed.

The grounds of rejection to be reviewed on appeal include

- 1) The rejection of Claims 1-28, 30, 32, 34 and 36-53 under 35 U.S.C. § 103 as being unpatentable over Palmer (USP 6,078,403) in view of Lavery (USP 6,429,947).
- 2) The rejection of Claims 29, 31, 33 and 35 under 35 U.S.C. § 103 as being unpatentable over Palmer in view of Lavery and further in view of Warmus (USP 6,332,149).

VII. ARGUMENT

For each ground of rejection set forth above, Appellant requests withdrawal of the rejections for the reasons set forth below. Additionally, for the ground of rejection over the combination of Lavery and Palmer, the claims do not stand or fall together but should be considered separately patentable as outlined in Sub-sections A1 and A2 below.

A. Independent claims 1, 11 and 21-22 are patentable over Lavery and Palmer

1. Lavery and Palmer fail to teach dummy parts data comprises (a) embedded image data for editing (b) having a same image size corresponding to the unreceived part.

Arguments to Rejections from Office Action dated February 9, 2006

Palmer discloses presentation and processing of a document having a variable data area. Portions of a base document are identified as *variable data areas*, where a page description language comment statement associated with each variable data area is inserted within stored data.

However, Palmer does not teach or suggest that “the dummy parts data comprises an embedded image for editing which is of a same image size as a corresponding unreceived part,” as recited by claim 1.

Palmer teaches solely the presentation of variable data within a variable data area of a base document. As shown in Palmer’s Figure 3, the user enters dummy data for a variable data area, wherein the dummy data includes size and formatting information (64) for the variable data area. The user entered dummy data identifies the variable data that the user desires to insert into each respective dummy data region (column 5, lines 12-17). The user selects a dummy data

region within the base document (44) that the user desires to define as a variable data area (column 5, lines 21-24). Then, in Palmer's Figure 4, dummy variable data within a dummy data region is replaced, by the formatting extension (42), with page description language prolog (88), which are format parameters (column 6, lines 9-12). Additionally, the field identification extension (43) prompts the user to input the filename of a variable data file (48) that contains the variable data object to be presented within the selected variable data area of base document (44) (column 6, lines 32-37). In response to the user specifying the filename of variable data file 48, the process proceeds to block 194, which depicts field identification extension 43 prompting the user to select a record within variable data file 48 (column 6, lines 40-44). The field identification extension (43) then prompts the user to identify a field that contains the variable data object to be presented within the selected variable data area (column 6, lines 49-53).

Thus, there lacks any teaching or suggestion in Palmer that "the dummy parts data comprises an embedded image for editing which is of a same image size as a corresponding unreceived part," as recited by claim 1 (emphasis added). Further, the Examiner admits on page 3 of the Office Action (February 9, 2006) that Palmer also does not expressly teach the automatic creation of dummy parts data for the unreceived parts.

Laverty does not remedy the deficiencies of Palmer. Although Laverty discloses an automated prepress application in which an operator saves particular settings for a job to be run under a certain prepress application, and which a low resolution graphical object is embedded directly into a Print Ready File for preview operation, there is also no teaching or suggestion in

Laverty that “the dummy parts data comprises an embedded image for editing which is of a same image size as a corresponding unreceived part,” as recited by claim 1.

Laverty’s embedded low resolution graphical object is only used for *preview* (not page editing) operations such that the low resolution graphic is embedded in the file to keep the size of the file down to a minimum, while providing a link to a high resolution graphic. Laverty’s high resolution graphic can not be interpreted as an unreceived part, nor does Laverty teach or suggest that the low resolution graphic is of a same image size as that of a corresponding unreceived part. Therefore, the combination of Laverty with Palmer does not remedy the deficiencies with respect to Palmer.

Arguments to Rejections of Final Office Action dated July 21, 2006

In the Final Office Action (July 21, 2006, pages 2-3), the Examiner generally relies on the page formatting process description at cols. 5-6 of Palmer for teaching basic aspects of independent claim 1. Applicant emphasizes that Palmer teaches solely the presentation of variable data within a variable data area of a base document. To the extent that Palmer includes a dummy region, the dummy region corresponds to a shaded portion to indicate a place where data is to be inserted. See Fig. 6C, area 132 and col. 6, lines 9-18. The dummy data itself identifies the variable data that a user desires to insert into a dummy data region. Col. 5, lines 15-17. Thus, the dummy data comprises a filename corresponding to data stored in database 48. Col. 6, lines 40-44. Dummy variable data within a dummy data region is replaced, by the formatting extension (42), with page description language prolog (88), which are format parameters (column 6, lines 9-12). Significantly, the extension and prolog are not subject to

raster processing (col. 5, line 65 to col. 6, line 8) Accordingly, the dummy data itself corresponds coding information, filename information and extension codes. As the data is ignored by a raster image process, it is clear that such codes are not image data for editing.

The Examiner contends that Palmer teaches that the dummy parts data comprises an embedded image for editing. However, it is clear that Palmer teaches that the dummy data comprises a set of fields or identifiers for insertion of data from a database 48. Accordingly, the dummy data is not image data embedded for editing. Rather, the data is referential data for a file or referential data for a format and is not image data for editing. To the extent that the Examiner cites a placeholder function for the dummy data, there is no clear teaching that the placeholder (e.g. shaded box of Fig. 6C) is edited.

As a related matter, it is further noted that claim 1 describes that the dummy parts data is of a same image size as a corresponding unreceived part. The Examiner contends that in order provide its placeholder function, the dummy data must be of the same size as the unreceived part. Applicant submits that this rationale cannot support the rejection for at least the following three reasons.

First, the Examiner is merely speculating as to the size of the dummy data in relation to data of the unreceived part. However, rejections must be based on necessity of a claim element occurring in a reference and not merely a probability that the claim element may occur. In this case, the Examiner's rational is merely speculative and thus cannot sustain the rejection. In re Robertson, 49 USPQ2d 1949, 1951 (Fed. Cir. 1999).

Second, the Examiner's contention that the size of the dummy parts data must be coextensive with the size of the unreceived part in order to provide a placeholder function is incorrect. The placeholder function, i.e. setting a position of inserted data, can be provided by the setting of a code or field without necessarily establishing the size to coincide with that of the unreceived part. In this regard, the Examiner's own recognition that scaling can occur to fit the data would suggest that the dummy data may not coincide with the unreceived part.

Third and finally, if the scaling is applied to data as a form of editing, then the editing is clearly on a data that is already received. Accordingly, such data would not be dummy parts data which corresponds to unreceived data, or data not yet received for the page.

Arguments to Statement of First Advisory Action

In the first Advisory Action (November 14, 2006), the Examiner struggles to explain how Palmer can provide editing of dummy data corresponding to data that is "unreceived". The Examiner contends that the editing is a result of "scaling". In other words, the scaling fits the graphical variable data to the variable data area (the purported dummy data). However, if scaling is used to fit the data to be received to the dummy area, then the dummy data is not data having the same image size as the unreceived data. Thus, the Examiner's attempt to have editing of the dummy data would obviate the size component described by claim 1.

Moreover, the Examiner's explanation to provide editing of dummy data corresponding to data "not yet received" appears to be illogical. The Examiner reasons that "unreceived data means data unreceived by the page, which means the data can be received by the computer and stored in a separate file or database, so long as it is not received by the page." (Emphasis added).

If the Examiner maintains this interpretation of data unreceived, then claims 36 et seq. are clearly patentable since these claims describe data unreceived as data not received by the computer.

The Examiner also attempts to explain that the placeholder function of the variable data would necessitate a same size as the data to be received. However, this presumption relies on the Examiner's rational that the user knows the size of data in a database (e.g. data received) and scale it appropriately to the variable data area. Thus, it is clear that the Examiner's attempt to clarify the basis of the rejection only makes the rejection less viable.

Therefore, claim 1 is patentable for at least the above reasons. Independent claims 11 and 21-22 are patentable for analogous reasons. The remaining claims are patentable based on their dependency as the additional reference Warmus does not make up for the deficiencies of the primary combination.

2. The combination of Palmer and Laverty fails to teach features of the "unreceived parts" data of claims 36-39.

The rejection of claims 36-39 incorporate all the arguments set forth above in Sections A1. Additional points in favor of reversal are set forth below.

Arguments to Statements of First Advisory Action

In the detailed of the Advisory Action dated November 14, 2006, the Examiner contends:

Applying the broadest reasonable interpretation of the claims, the user of the system can know about the data, so long as it has not been received. The examiner assumes unreceived means that it is unreceived by the page, which means the data can be received by the [] computer and stored in a separate file or a database, so long as it is not received by the page, it is considered not received. (Emphasis added).

Even assuming *arguendo* that such a broad construction is appropriate for broadly described “unreceived data”, it is not appropriate for “unreceived data” that has been described more particularly. For example, Applicant’s claim 36 describes unreceived data as data not received by the computer. In the cited art, the Examiner contends that data has been received by the computer as discussed in the Advisory Action. According to claim 36, this cannot be unreceived data, or data not yet received. Therefore, claim 36 is patentable over the art.

Similarly, claim 39 describes data yet to be received as data not provided to a user. In the cited art, the Examiner contends that data has been made known to the user. According to claim 39, this cannot be “unreceived data” or data not yet received. Therefore, claim 39 is patentable over the art.

Arguments for Statements in Second Advisory Action

In the Second Advisory Action (April 20, 2007), the Examiner attempts to clarify that the computer comprises the “application program”. The Examiner thus reasons that data not received by the application program is data not received by the computer. However, this completely contradicts the prior statement in the first Advisory Action that the data is received by the computer but not by the page (application program).

The first and second Advisory Actions create inconsistencies in the Examiner’s interpretation, introduces an ambiguity in the record and are evidence of arbitrary and capricious action in maintaining the rejections of all the claims.

At a minimum, claims 36 and 39 are patentable over the art. Claims 37-38 are patentable based on analogous recitations for the unreceived data.

B. The combination of Laverty, Palmer and Warmus fails to teach the features of claims 29, 31, 33 and 35.

The additional reference Warmus fails to make up for the above deficiencies of Laverty and Palmer. Therefore, claims 29, 31, 33 and 35 are patentable over the cited combination at least for all the reasons set forth above in Sections A1 and A2.

For all the foregoing reasons, the rejections of claims 1-53 should be withdrawn.

Unless a check is submitted herewith for the fee required under 37 C.F.R. §41.37(a) and 1.17(c), please charge said fee to Deposit Account No. 19-4880.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.


Respectfully submitted,

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Date: June 15, 2007

CLAIMS APPENDIX

CLAIMS 1-53 ON APPEAL:

1. A method of creating data for printing when performing page editing operation on a computer, the method comprising the steps of:

(a) determining if there is any part of the page, for which corresponding parts data has not been received by the time of the page editing operation, and if so, automatically creating dummy parts data for the unreceived parts data;

(b) creating dummy page data by inserting the dummy parts data for the unreceived parts data in a position on the page allocated for the unreceived parts data; and

(c) replacing the dummy parts data when the unreceived parts data is received, with the received parts data, for creating page data for printing,

wherein the dummy parts data comprises an embedded image for editing which is of a same image size as a corresponding unreceived part.

2. The method of Claim 1, wherein creating dummy parts data in the step of determining includes providing first information with the dummy parts data, and the step of replacing the dummy parts data includes referring to the first information.

3. The method of Claim 2, wherein the first information includes data indicating a folder and a file in which the page data for printing is expected to be stored.

4. The method of Claim 2, wherein the parts data when received, also includes the first information.
5. The method of Claim 1, further comprising the steps of:
 - (a) performing a layout operation using dummy page data to create dummy plate face data; and
 - (b) creating plate face data for printing by replacing the dummy page data in the dummy plate face data when page data is available from the step of replacing dummy parts data.
6. The method of Claim 5, wherein the step of creating dummy page data, includes providing second information with the dummy page data, and the step of creating plate face data includes referring to the second information.
7. The method of Claim 6, wherein the second information includes data indicating a file and a page number in which the dummy page data is stored.
8. The method of Claim 6, wherein the page data for printing, also includes the second information.
9. The method of Claim 1, further comprising the step of inputting an instruction to determine if there is any part of the page for which corresponding parts data has not been received.
10. The method of Claim 9, further comprising the step of terminating processing if the instruction has not been inputted.

11. A system for creating printing data during page editing and layout, the system comprising a data processing arrangement having program logic, the program logic including:

(a) a first logic portion, which, upon a determination that corresponding parts data has not been received by the time of the page editing and layout for any part of the page, automatically creates dummy parts data for unreceived parts data of a page;

(b) a second logic portion, which creates dummy page data by inserting the dummy parts data for the unreceived parts data in a position on the page allocated for the unreceived parts data; and

(c) a third logic portion, which replaces the dummy parts data when the unreceived parts data is received, with the received parts data, for creating page data for printing,

wherein the dummy parts data comprises an embedded image for editing which is of a same image size as a corresponding unreceived part.

12. The system of Claim 11, wherein the dummy parts data includes first information, and the third logic portion replaces the dummy parts data by referring to the first information.

13. The system of Claim 12, wherein the first information includes data indicating a folder and a file in the data processing arrangement, in which the page data for printing is expected to be stored.

14. The system of Claim 12, wherein the parts data when received, also includes the first information.

15. The system of Claim 11, wherein the program logic further includes a layout logic portion, which creates dummy plate face data using dummy page data, and a fourth logic portion which replaces the dummy page data in the dummy plate face data when page data becomes available.

16. The system of Claim 15, wherein the dummy page data includes second information, and the fourth logic portion replaces the dummy page data by referring to the second information.

17. The system of Claim 16, wherein the second information includes data indicating a file and a page number in which the dummy page data is stored.

18. The device of Claim 16, wherein the page data for printing, also includes the second information.

19. The system of Claim 11, wherein an instruction initiates a determination in the program logic as to whether to create dummy parts data.

20. The system of Claim 19, wherein if the instruction is not received, logic execution terminates.

21. A system for creating printing data during page editing and layout, the system comprising a data processing arrangement having program logic, the program logic including:

(a) a logic portion, which creates dummy parts data having link information for unreceived parts data, with the link information linking the dummy parts data with a storage

location in the data processing arrangement, and inserts the dummy parts data in a position on the page allocated for the unreceived parts data; and

(b) another logic portion, which operates in background monitoring the storage location in the data processing arrangement, and when parts data is stored at the storage location, said another logic portion replaces the dummy parts data with the parts data in accordance with the link information,

wherein the dummy parts data is automatically created by said logic portion when the parts data is determined not to be stored at the storage location, and

wherein the dummy parts data comprises an embedded image for editing which is of a same image size as a corresponding unreceived part.

22. A method of editing data, comprising:

creating application data with defined page layout and file link information;

storing received data;

creating dummy page data for data not yet received;

replacing said dummy page data with expected data,

wherein said dummy page data is automatically created upon a determination that data has not been received by the time said application data is created, and

wherein said dummy page data comprises an embedded image for editing which is of a same image size as a corresponding image of said expected data.

23. The method of claim 22, wherein said dummy page data comprises storage location information for said expected data.

24. The method of claim 22, wherein said expected data comprises said data not yet received.

25. The method of claim 22, further comprising:
monitoring newly received data for said expected data corresponding to data not yet received.

26. The method of claim 22, wherein said dummy page data is designated as unreceived data comprising title and delivery information.

27. The method of claim 22, wherein said dummy page data and said expected data are graphical images.

28. The method of claim 1, further comprising inserting a link to a database file for each received parts data of the page at the time of the page editing operation for creating print data.

29. The method of claim 1, wherein the determining step further comprises checking contents of a database coupled to the computer and determining unreceived parts data by absence of data in the database.

30. The system of claim 11, wherein each received parts data of the page at the time of the page editing operation comprises a link to a database file, for creating print data.

31. The system of claim 11, wherein the first logic portion further comprises checking contents of a database coupled to the data processing arrangement and determining unreceived parts data by absence of data in the database.

32. The system of claim 21, wherein each received parts data of the page at the time of the page editing operation comprises a link to a database file, for creating print data.

33. The system of claim 21, wherein the logic portion further comprises checking contents of a database coupled to the data processing arrangement and determining unreceived parts data by absence of data in the database.

34. The method of claim 22, further comprising inserting a link to a database file for each received data at the time of a page editing operation for creating print data.

35. The method of claim 22, further comprising:

checking contents of a database; and

determining data not yet received by absence of data in the database.

36. The method of claim 1, wherein said unreceived parts data comprises data parts not yet provided to the computer.

37. The system of claim 11, wherein said unreceived parts data comprises data parts not yet provided to the system.

38. The system of claim 21, wherein said unreceived parts data comprises data parts not yet provided to the system.

39. The method of claim 22, wherein said data not yet received comprises data parts not yet provided to a user.

40. The method of claim 1, wherein the dummy parts data is automatically created by generating an image for editing without user intervention.

41. The system of claim 11, wherein said first logic portion automatically creates the dummy parts data by creating an image for editing.

42. The system of claim 21, wherein said logic portion automatically creates the dummy parts data by creating an image for editing.

43. The method of claim 22, wherein the dummy parts data is automatically created by generating an image for editing without user intervention.

44. The method of claim 1, wherein prior to receiving the unreceived parts data, the page editing operation is performed by using the embedded image for editing as an alternative part for the unreceived part.

45. The method of claim 1, wherein the embedded image for editing is of a lower resolution than the corresponding unreceived part.

46. The method of claim 1, wherein first information indicating a correspondence between the dummy page data and the unreceived parts data is attached to the dummy page data as a comment.

47. The method of claim 1, wherein second information indicating link information is attached to the dummy page data as a comment, and the dummy page data does not contain any images to be output.

48. The system of claim 11, wherein prior to receiving the unreceived parts data, the page editing and layout is performed by using the embedded image for editing as an alternative part for the unreceived part.

49. The system of claim 11, wherein the embedded image for editing is of a lower resolution than the corresponding unreceived part.

50. The system of claim 21, wherein prior to receiving the unreceived parts data, the page editing and layout is performed by using the embedded image for editing as an alternative part for the unreceived part.

51. The system of claim 21, wherein the embedded image for editing is of a lower resolution than the corresponding unreceived part.

52. The method of claim 22, wherein prior to receiving said expected data, a page editing operation is performed using said embedded image for editing as an alternative part to said expected data.

53. The method of claim 22, wherein said embedded image for editing is of a lower resolution than said corresponding image of said expected data.

APPEAL BRIEF UNDER 37 C.F.R. § 41.37
U.S. Appl. No. 09/775,626

Attorney Docket No. Q61668

EVIDENCE APPENDIX:

Pursuant to 37 C.F.R. § 41.37(c)(1)(ix), submitted herewith are copies of any evidence submitted pursuant to 37 C.F.R. §§ 1.130, 1.131, or 1.132 or any other evidence entered by the Examiner and relied upon by Appellant in the appeal.

NONE

APPEAL BRIEF UNDER 37 C.F.R. § 41.37
U.S. Appl. No. 09/775,626

Attorney Docket No. Q61668

RELATED PROCEEDINGS APPENDIX

Submitted herewith are copies of decisions rendered by a court or the Board in any proceeding identified about in Section II pursuant to 37 C.F.R. § 41.37(c)(1)(ii).

NONE